

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JEREMIAH HUNLEY,)	
)	
Plaintiff,)	
)	No. 3:10-CV-455
v.)	(COLLIER/GUYTON)
)	
GLENCORE LTD, INC., and)	
EAST TENNESSEE ZINC CO., LLC,)	
)	
Defendants.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Standing Order 13-02.

MEDIATION

The parties appeared before the undersigned on September 3, 2013, to address two pending motions and other pretrial matters. At the hearing, the Plaintiff made an oral motion for the Court to order the parties to attempt to settle this case through mediation. The parties previously attempted mediation in late July or early August 2013. Counsel for the Plaintiff represented that they would bear their share of the cost of a second mediation. Counsel for Commerce & Industry Insurance Co., Inc., an intervening party, supported the Plaintiff's request for mediation.

The Defendants stated that, while they were open to the possibility of settlement, the Court should not order the parties to mediate. The Defendants stated that the parties made good

faith efforts to settle the case in their previous mediation, and there was no need to attempt mediation a second time.

In reply, counsel for the Plaintiff and counsel for Commerce & Industry Insurance Co., Inc., stated that certain impediments to a successful mediation were present at the first mediation. They represent that those impediments have been resolved and that there is reason to believe that a second mediation is more likely to succeed.

The Court has considered the procedural posture of this case and the parties' positions. The Court finds that the oral motion for order of referral is well-taken, and it is **GRANTED**. The parties are **ORDERED** to mediate this case a second time, in good faith in an attempt to settle this case. The mediation must take place on or before **October 4, 2013**. The parties may choose a different mediator than the mediator who handled the first mediation.¹ The parties shall bear equally the cost of mediation. The parties are instructed to mediate effectively so as to minimize the cost. The parties or mediator shall notify the Court of the outcome of the mediation as soon as practicable.

The instant Order does **not** modify or change any of the pending dates or deadlines in this case.

IT IS SO ORDERED.

ENTER:

/s H. Bruce Guyton
United States Magistrate Judge

¹ A list of court-approved mediators is available at: <http://www.tned.uscourts.gov/mediators.php> .